

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 13, 2019

Agenda Item: Amendments to Bitterroot River Commercial Use Permit Restrictions (R2)

Division: Fisheries

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 15 minutes

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Background: In 2017, the Fish and Wildlife Commission proposed administrative rules restricting recreational and commercial use of the West Fork of the Bitterroot River and the Upper Bitterroot River. The proposed rules were intended to address concerns about congestion on the river and social conflicts between river users and were based on the recommendations of a citizen advisory council (CAC) in accordance with the River Recreation Management Rules. During public comment regarding the proposed rules, it became clear that there were different interpretations of what a “float” entailed. The commission adopted the new administrative rules at their Dec. 7, 2017, meeting after a clarification of how a float would be defined and directed the department to provide a report to the commission about the effectiveness of the rule after the first year of implementation to see if any amendments would be necessary.

The department analyzed the 2018 monitoring data and on Jan. 7, 2019, held a meeting that included 11 of the 16 CAC members that developed the rule language proposed in 2017. Based on the data analysis and feedback provided at the meeting, the department is recommending amending ARM 12.11.6302 to change “floats” to “launches” and provide a definition for “launch.” In addition, the department is proposing the correction of a drafting error that is consistent with the intent of the CAC’s 2017 recommendations. The correction would provide a timeframe from June 1 to Sept. 15 for the launch restriction per section of river for commercial use permit holders instead of the restriction being year-round.

Public Involvement Process & Results: If the commission proposes the recommended amendments, the public comment period will begin on Feb. 22 and one public hearing will be held in Hamilton on March 19 at the Bitterroot National Forest Supervisor’s Office.

Alternatives and Analysis:

1. The commission proposes the recommended amendments to ARM 12.11.6302 in response to the public and users of the river after the first year of adopting new rules.
2. The commission does not propose the recommended amendments and the Bitterroot River Commercial Use Permit administrative rules will be reevaluated in 2024 pursuant to ARM 12.11.6306.

Agency Recommendation & Rationale: The department recommends amending ARM 12.11.6302 in response to comments received during the original proposal in 2017 and more recently, one year after adoption of the rules.

Proposed Motion:

I move the commission propose amending ARM 12.11.6302 to change the commercial use restrictions from “floats” to “launches” per section, provide a definition for “launch,” and provide a timeframe from June 1 to September 15 for the launch restriction per section of river for commercial use permit holders.